

REMARKS

This Application has been carefully reviewed in light of the Office Action electronically dated January 30, 2008. Applicants previously canceled Claims 2-3, 6-7, and 18-19 without prejudice or disclaimer. Applicants respectfully request reconsideration and favorable action in this case.

Section 103 Rejections

Claims 1, 4, 10-16, 21 and 22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,192,512 issued to Chess ("*Chess*") in view of U.S. Patent No. 5,389,196 issued to Chambers ("*Chambers*"). Applicants respectfully traverse this rejection. Claim 1 recites:

A method of detecting viral code in subject files, comprising:
creating an artificial memory region spanning one or more components of the operating system;
emulating execution of at least a portion of computer executable code in a subject file;
monitoring operating system calls by the emulated computer executable code to detect an attempt by the emulated computer executable code to read the artificial memory region; and
determining based on the attempt to access the artificial memory region that the emulated computer executable code is viral.

The proposed *Chess-Chambers* combination, however, fails to disclose, teach, or suggest every element of Claim 1. For example, the proposed *Chess-Chambers* combination fails to disclose "monitoring operating system calls by the emulated computer executable code to detect an attempt by the emulated computer executable code to read the artificial memory region." As the Examiner concedes, *Chess* fails to disclose this limitation. *Office Action*, p. 3.

Additionally, combining *Chess* with *Chambers* fails to remedy this omission. The cited portion of *Chambers* merely indicates that the monitor program described by *Chambers* "can be executed automatically whenever an operating system call is placed to execute a program." *Chambers*, col. 6, ll. 66-68, emphasis. The cited portion does not disclose "monitoring operating system calls by the emulated computer executable code to detect an attempt by the emulated computer executable code to read the artificial memory region" (emphasis added). In response to this argument, the Examiner states simply that "[s]ince the

operating system provides access to memory via system calls, Chambers teaches monitoring operating system calls by emulated computer executable code.” *Office Action*, p. 6. Applicants respectfully note, however, that the cited portion of *Chambers* does not indicate that the “operating system provides access to memory via system calls” for all memory accesses as the Examiner contends. Thus, *Chambers* also fails to disclose this element of Claim 1.

As a result, the proposed *Chess-Chambers* combination fails to disclose, teach, or suggest every element of Claim 1. Claim 1 is thus allowable for at least these reasons. Applicants respectfully request reconsideration and allowance of Claim 1 and its dependents.

Although of differing scope from Claim 1, independent Claims 10-12 and 14 include elements that, for reasons substantially similar to those discussed with respect to Claim 1, are not disclosed by the proposed *Chess-Chambers* combination. Claims 10-12 and 14 are thus allowable for at least these reasons. Applicants respectfully request reconsideration and allowance of Claims 10-12 and 14, and their respective dependents.

Claims 8, 9, 20 and 23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Chess* and *Chambers* in view of U.S. Patent No. 5,974,549 issued to Golan (“*Golan*”). Claims 8, 9, and 23 depend from Claim 1, while Claim 20 depends from Claim 14. Claims 1 and 14 have been shown above to be allowable. Claims 8, 9, 20, and 23 are thus allowable for at least these reasons. Applicants respectfully request reconsideration and allowance of Claims 8, 9, 20, and 23.

In addition, several of the dependents of Claims 1, 10-12, and 14 include additional elements that are not disclosed by the cited references. As one example, Claim 23 recites:

The method of claim 1, further comprising:
monitoring access by the emulated computer executable code to
dynamically linked functions; and
determining based on attempted access to dynamically linked functions
that the emulated computer executable code is viral.

Chess, *Chambers*, and *Golan*, both alone and in combination, fail to disclose every element of Claim 23. For example, the proposed *Chess-Chambers-Golan* combination fails to disclose “determining based on attempted access to dynamically linked functions that the emulated computer executable code is viral.” The portion of *Golan* referenced by the Examiner in addressing this element indicates only that the described security monitor can be

implemented in a system that includes “one or more system DLLs 90.” *Golan*, col. 13., ll. 9-10. The described portion of *Golan*, however, only discloses monitoring of API calls. *Golan*, col. 13, ll. 43-45. The cited portion does not indicate that the system of *Golan* “determin[es] based on attempted access to dynamically linked functions that the emulated computer executable code is viral.” Thus, the proposed *Chess-Chambers-Golan* combination fails to disclose “determining based on attempted access to dynamically linked functions that the emulated computer executable code is viral” as required by Claim 23.

As a result, the proposed *Chess-Chambers-Golan* combination fails to disclose additional elements of Claim 23. Claim 23 is thus allowable for at least this additional reason. Applicants respectfully request reconsideration and allowance of Claim 23.

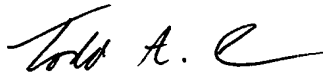
Conclusions

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending Claims. If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicants stands ready to conduct such a conference at the convenience of the Examiner.

No fees are believed to be due, however, the Commissioner is hereby authorized to charge any required fees or to credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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